

S/N NEW FILING

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	VANDEN HOEK ET AL.	Examiner:	UNKNOWN
Serial No.:	NEW FILING	Group Art Unit:	UNKNOWN
Filed:	HEREWITH	Docket No.:	11998.18USC3
Title:	DELIVERY OF CARDIAC CONSTRAINT JACKET		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV322884385US

Date of Deposit: January 28, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson

Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent applications, U.S. Serial Nos. 10/226,580 filed on August 23, 2002, 09/921,475 filed August 3, 2001, now U.S. Patent No. 6,579,226, and 09/483,567 filed January 14, 2000, now U.S. Patent No. 6,293,906. In accordance with 37 C.F.R. § 1.98(a)(2)(i), a copy of U.S. Patent Nos. 6,293,906 and 6,579,226 are not provided, as this application was filed after June 30, 2003.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.


Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
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Date January 28, 2004


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Reg. No. 48,935
AMN:PLStdM



FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 11998.18USC3	Application Number: New Filing
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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	3,983,863	10/1976	Jainke et al.				
	4,048,990	09/1977	Goetz				
	4,403,604	09/1983	Wilkinson et al.				
	4,428,375	01/1984	Ellman				
	4,630,597	12/1986	Kantrowitz et al.				
	4,690,134	09/1987	Snyders				
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	4,834,707	05/1989	Evans				
	4,878,890	11/1989	Bilweis				
	4,936,857	06/1990	Kulik				
	4,957,477	09/1990	Lundback				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	1009457	04/1983	SU			Abstract	
	60-203250	10/1985	JP			Abstract	
	0 280 564	08/1988	EP				
	3831540	04/1989	DE			Abstract	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		"Abstracts From the 68th Scientific Sessions, Anaheim Convention Center, Anaheim, California, November 13-16, 1995", American Heart Association Supplement to Circulation, Vol. 92, No. 8, Abstracts 1810-1813 (October 15, 1995)					
		Capomolla et al., "Dobutamine and nitroprusside infusion in patients with severe congestive heart failure: Hemodynamic improvement by discordant effects on mitral regurgitation, left atrial function, and ventricular function", American Heart Journal, Vol. 134, No. 6, pp. 1089-1098 (December 1997).					
		Capouya et al., "Girdling Effect of Nonstimulated Cardiomyoplasty on Left Ventricular Function", The Society of Thoracic Surgeons, Vol. 56, pp. 867-871 (1993).					

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,973,300	11/1990	Wright			
	4,976,730	12/1990	Kwan-Gett			
	5,057,117	10/1991	Atweh			
	5,087,243	02/1992	Avitall			
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	5,150,706	09/1992	Cox et al.			
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	5,192,314	03/1993	Daskalakis			
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	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	2209678	05/1989	GB			Abstract	
	01-145066	06/1989	JP			Abstract	
	3831540 C	06/1983	DE			Abstract	
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		Cohn, "The Management of Chronic Heart Failure", The New England Journal of Medicine, Vol. 335, No. 7, pp. 490-498 (August 15, 1996).
		Coletta et al., "Prognostic value of left ventricular volume response during dobutamine stress echocardiography", European Heart Journal, Vol. 18, pp. 1599-1605 (October 1997).
		Guasp, "Una protesis contentiva para el tratamiento de la miocardiopatía dilatada", Revista Espanola de Cardiologia, Vol. 51, No. 7, pp. 521-528 (July 1998).
		Kass et al., "Reverse Remodeling From Cardiomyoplasty in Human Heart Failure", Circulation, Vol. 91, No. 9, pp. 2314-2318 (May 1, 1995).
		Levin et al., "Reversal of Chronic Ventricular Dilation in Patients With End-Stage Cardiomyopathy by Prolonged Mechanical Unload", Circulation, Vol. 91, No. 11, pp. 2717-2720 (June 1, 1995).

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	5,366,460	11/1994	Eberbach				
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FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	295 17 393 U1	03/1996	DE (German Language)				
	WO 96/16601	06/1996	PCT				
	WO 98/29041	07/1998	PCT				
	WO 98/58598	12/1998	PCT (English Language)				
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		Oh et al., "The Effects of Prosthetic Cardiac Binding and Adynamic Cardiomyoplasty In A Model Of Dilated Cardiomyopathy", The Journal of Thoracic and Cardiovascular Surgery, Vol. 116, No. 1, pp. 148-153 (July 1998).					
		Paling, "Two-Bar Fabrics (Part-Set Threading)", Warp Knitting Technology, Columbine Press (Publishers) Ltd., Buxton, Great Britain, p. 111 (1970).					
		Vaynblat et al., "Cardiac Binding in Experimental Heart Failure", Ann Thorac Surg. Vol. 64 (1997).					

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	6,165,121	12/2000	Alfermess				
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	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 98/58598	12/1998	PCT (German Language)				
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	WO 01/67985 A1	09/2001	PCT				
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	6,416,459 B1	07/2002	Haindl				
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	6,482,146 B1	11/2002	Alfermess et al.				
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	6,579,226 B2	06/17/2003	Vanden Hoek et al.				
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